

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CSE W-INDUSTRIES, INC.,

Plaintiff,

vs.

TRAVELERS CASUALTY AND SURETY  
COMPANY, and PACIFIC INDEMNITY  
COMPANY,

Defendants.

**8:24CV314**

**ORDER**

This matter is before the Court on Plaintiff's Motion to Remand. [Filing No. 10](#). Defendants stipulated to remand. [Filing No. 17](#). The Court lacks subject matter jurisdiction and, therefore, remands this case to state court.

The parties stipulate to the following facts: Plaintiff, CSE W-Industries, Inc. ("CSE") filed a complaint in Nebraska state court on July 9, 2024. [Filing No. 17 at 1](#). Defendants, Pacific Indemnity Company ("Pacific") and Travelers Casualty and Surety Company ("Travelers") removed the matter to the United States on August 12, 2024, invoking the Court's diversity jurisdiction. *Id.*; [28 U.S.C. § 1332](#). However, Pacific had changed its state of incorporation on July 1, 2024. [Filing No. 17 at 2](#). As a result, at the time of removal both CSE and Pacific were incorporated in Delaware. *Id.* Considering the lack of diversity between CSE and Pacific, the Defendants stipulated to remand. *Id.*

The Court agrees remand is appropriate. "For a party to remove a case to federal court based on diversity jurisdiction, the parties must be diverse both when the Plaintiff initiates the action in state court and when the defendant files the notice of removal in federal court." [Chavez-Lavagnino v. Motivation Educ. Training, Inc.](#), 714 F.3d 1055, 1056

(8th Cir. 2013). Here, on August 12, 2024, both CSE and Pacific were incorporated in Delaware. Therefore, the Court lacks subject matter jurisdiction and must remand to state court.

Pursuant to the joint stipulation of the parties, IT IS ORDERED:

1. CSE's Motion to Remand ([Filing No. 10](#)) is granted.
2. This action is remanded to the District Court of Douglas County, Nebraska.
3. Each party shall bear its own fees and costs incurred as a result of the removal of this case to the United States District Court for the District of Nebraska.
4. The Clerk shall mail a certified copy of this Order to the Clerk of the District Court of Douglas County Nebraska.

Dated this 4th day of October, 2024.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge